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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,363	07/13/2000	Eric A. Bunn	A-68295/MAK/LM	3752

7590

04/14/2003

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EXAMINER

THOMPSON JR, FOREST

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/615,363	Applicant(s) BUNN ET AL.	
	Examiner Forest Thompson Jr.	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 13 July 2000.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-11 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-11 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 13 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-11 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Darago et al.** (U.S. Patent No. 6,170,014), and further in view of Official Notice.

Claims 1-11: **Darago et al.** discloses an invention for a sensory assisted presentation system that provides support for presenting and selling goods and services. **Darago et**

Art Unit: 3625

al. discloses the presentation of characteristics of the selected good to a potential buyer. **Darago et al.** specifically discloses:

- *personal computers in the 1980's mainly manipulated words, numbers, and characters; in the 1990's manipulation of icons, images, audio and video has become commonplace. The next step may include widespread use of motion, as in simulators, and perhaps smell or other additions (col. 3 lines 43-48).*
- *many computer-assisted lessons, training materials, and other instructional courses include works which can be protected under intellectual property laws, such as visual works, audio works, texts, examinations, simulations, and other works. Some sensory works experienced while using computers, such as the physical motions performed with a flight simulator, may also be protected. Still other computer-aided sensory experiences are foreseeable but not yet commercially implemented, such as smells (col. 1 lines 26-34).*
- *The present invention is concerned with network-based courseware delivery systems, as opposed to stand-alone courseware delivery systems (col. 2 lines 55-56).*
- *users view courseware and other information for free. The information is shared for free because providing the information helps the work's owner sell a product, or saves the owner money by reducing technical support costs, for example (col. 5 lines 7-10).*
- *Many courses are available on the web, yet in general the more attractive the course is (visually, in activity, motion, video, sound, and so on), the more time it takes to refresh the computer screen at the user's workstation (col. 5 lines 31-34).*

- *The present invention relates to methods, systems, and configured storage media for managing courseware and/or other content in a shared use operating environment. Courseware includes digital instructional and/or entertainment content in the form of software, digitized sounds, digitized images, digitized motion paths, digitized chemical compounds, and other works which can be transmitted over a computer network for presentation to a user and which contain intellectual property that is protectable by copyright, patent, trade secret, trademark, trade dress, moral rights, common law rights, contract, and/or other sources of legal authority (col. 7 lines 39-50).*

As disclosed above, **Darago et al.** discloses the use of simulations to present characteristics of items. **Darago et al.** does not specifically disclose some particular characteristics as claimed by applicants. However, Official Notice is taken that the use of multiple characteristics in support of sales and other activities that are detectable by a user's senses was old and well known in the art at the time the invention was made. For example, **Darago et al.** discloses, as stated above, digital instructional and/or entertainment content in the form of software, digitized sounds, digitized images, digitized motion paths, digitized chemical compounds, and other works which can be transmitted over a computer network for presentation to a user. Additionally, **Kaslon** (U.S. Patent No. 6,542,442) discloses a scent emitting device that emits a scent in response to receiving an appropriate signal (Abstract). **Manne** (U.S. Patent No. 6,169,595) discloses a device to deliver various combinations of scents in rapid succession to a user's nose in conjunction with video graphic images and/or sounds. **Fedrigon et al.** (U.S. Patent No. 6,336,891) discloses an exercise pad system that

presents to the user a realistic simulation of the real exercise course through the use of stored video, audio and table files collected from a real exercise course (Abstract).

Nagamitsu et al. (U.S. Patent No. 5,590,062) discloses a simulator with which one predicts and confirms various living environments mainly by visual perception and further by auditory perception when planning a house. **Schneider** (U.S. Patent No. 5,010,763) discloses a road simulation device for testing a driverless, stationary motorcycle (abstract) that discloses motion simulation. "GET A WHIFF OF THIS: AND NOW, CYBERSCENT;" Times-Picayune; New Orleans, LA; 25 May 2000, which discloses the use of smell in combination with a user's experience on the Internet.


Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosures of **Darago et al.** to specifically present a memory containing a representation of an approximation of one or more characteristics of a product for purchase, said characteristic(s) from a set of characteristics including vibrations, a mass, a texture, a smell, and a temperature; a sub-system corresponding to each of said characteristic, said subsystem from a set of simulation sub-systems including: a vibratory sub-system for simulating vibrations, a mass simulation sub-system for simulating mass characteristics, a textural sub-system for simulating a texture an olfactory sub-system for simulating a smell, a temperature-simulation sub-system for simulating a temperature; said sub-system communicatively coupled to said memory; and a sales sub-system for indicating a desire to purchase said product, as disclosed by the combination of **Darago et al.** and old and well known art, for the motivation of virtually presenting and selling products.

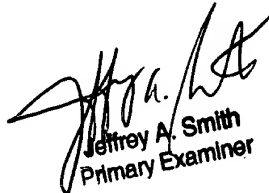
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


F. Thompson
April 4, 2003


Jeffrey A. Smith
Primary Examiner